REMARKS

This responds to the Office Action dated October 24, 2011.

Claims 1-3, 5, 7, 10, 11, 39-44, and 46-53 are amended, claims 8, 9, and 38 are canceled, and no claims are added; as a result, claims 1-3, 5-7, 10, 11, and 39-53 are now pending in this application.

The Rejection of Claims Under § 102

1.   Claims 1, 2, 10, 11, and 38-40 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Kinjo (U.S. Pub. 20030193582, hereinafter Kinjo). Applicant has amended the claims to clarify the claimed subject matter and submits a *prima facie* case of anticipation cannot be made using Kinjo. The rejection with respect to claim 38 is moot in view its cancellation.

Claim 1 recites, in part:

> a receiver receiving data identifying a sequence of different portions of the image as portions of the image which are to be sequentially emphasized; and
> an image processing unit processing the stored image data to generate a sequence of composite images in which the portions of the image defined by image data are sequentially emphasized…

Claims 39 and 40 recite similar elements. Applicant submits Kinjo fails to disclose identifying a sequence of different portions of the image as portions of the image which are to be sequentially emphasized. Instead, Kinjo generally relates to processing a single image according to particular keywords. For example, paragraphs 128 and 129 of Kinjo state:

> [0128]   The image processor 24 increases the contrast or sharpness of the area of "mountain" in the registered image. For a snow-covered mountain, the image processor 24 performs color correction to emphasize the while snow and blurs the image elsewhere than the area of "mountain." In case the sensitivity representation keyword is "nostalgic," the image processor 24 performs image processing on the registered image in a sepia tine.

> [0129]   In case the sensitivity representation keyword is "beautiful" and the type of the subject of a registered image is "female," the image processor 24 enlarges the area of "female" in the registered image without changing the Size of the area of background. The image processor 24 also blurs the area of background.

As shown, there is no identification of a sequence of different portions which are to be sequentially emphasized. Instead, modifications, with no sequence identified, are performed based on keywords. Similarly, there is no disclosure of generating "a sequence of composite images in which the portions of the image defined by image data are sequentially emphasized" as claim 1 recites because it appears only one modified image is generated in Kinjo.[1]

Accordingly, a *prima facie* case of anticipation cannot be made using Kinjo as Kinjo fails to disclose all of the elements of claims 1, 39, or 40. Claims 2, 10, and 11 depend from claim 1 and are allowable for at least the same reasons as claim 1. Reconsideration and allowance are respectfully requested for claims 1, 2, 10, 11, 39, and 40.

2.   Claims 1-2, 10-11, 40-45, and 49-53 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Gorday (U.S. Pub 20040001220 A1, hereinafter Gorday). Applicant has amended the claims to clarify the claimed subject matter and submits a *prima facie* case of anticipation cannot be made using Gorday.

Claim 1 recites, in part:

> a receiver receiving data identifying a sequence of different portions of the image as portions of the image which are to be sequentially emphasized; and

Claims 39 and 40 recite similar elements. Applicant submits Gorday fails to disclose at least these elements. For example, Gorday generally teaches modifying a video stream to obscure, remove, or otherwise alter a background behind a detected face.[2] Thus, sequence of different images is produced where the same portion of the images in the sequence is being altered (i.e., the background). In contrast, claim recites "identifying a sequence of different portions of the image as portions of the image which are to be sequentially emphasized."[3]

Accordingly, a *prima facie* case of anticipation cannot be made using Gorday as Gorday fails to disclose all of the elements of claims 1, 39, or 40. Claims 2, 10, and 11 depend from claim 1 and are allowable for at least the same reasons as claim 1. Reconsideration and allowance are respectfully requested for claims 1, 2, 10, 11, 39, and 40.

Claim 41 recites, in part:

---

[1] See e.g., Kinjo at ¶ 131.
[2] See e.g., Gorday at ¶¶ 33-36.
[3] Emphasis added.

an image processing unit processing image data stored by said data store
to generate a composite image in which the portions of said composite
image corresponding to said portions to be emphasized selected by said
selector correspond to said portions of the image defined by data stored by
said data store outlined by a border of a defined color and in which other
portions of said composite image correspond to the other portions of the
image defined by said data stored by said data store to which a blurring
function has been applied

Claims 52-53 recite similar elements. Applicant submits Gorday fails to disclose at least "the
image defined by data stored by said data store <u>outlined by a border of a defined color</u>." The
Office Action references FIG. 3 and paragraphs 24 of Gorday as disclosing this feature.[4]
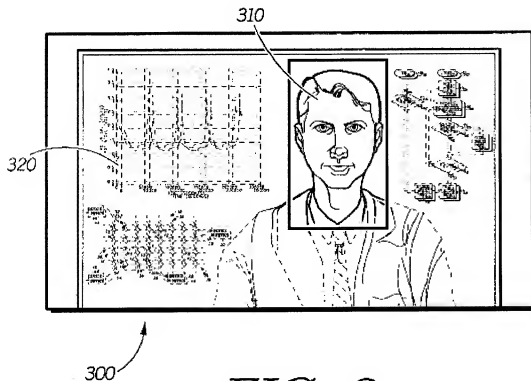Applicant respectfully disagrees. FIG. 3 is reproduced below for discussion purposes.

FIG. 3

As shown, FIG. 3 represents an image 300 which is divided into two parts: a first area 310
corresponding to a face encoded in a high resolution and a second area 320 corresponding to
background which is encoded at lower resolution. The box surrounding in the first area 310 is
merely present to illustrate the divide between the first and second areas and does not correspond

---

[4] The Office Action also references FIG. 7 and paragraph 34, but these portions generally relate to blurring.

to any part of a processed image. In particular, nothing in Gorday teaches or suggests that in addition to dividing an image into a two portions, one portion should be manipulated so it is outlined by a border of a predefined color.

Accordingly, a *prima facie* case of anticipation cannot be made using Gorday as Gorday fails to disclose all of the elements of claims 41, 52, or 53. Claims 42-45 and 49 depend from claim 41 and are allowable for at least the same reasons as claim 41. Reconsideration and allowance are respectfully requested for claims 41-45 and 49-53.

The Rejection of Claims Under § 103

3.   Claims 3, 5-9, 43 and 44-48 were rejected under 35 U.S.C. § 103(a) as being obvious over Kinjo in view of PhotoShop 6 as evidenced by Weinmann et al. ("Weinmann") ["Photoshop 6 for Windows and Macintosh: Visual QuickStart Guide", 25-Jan-2001, Peachpit Press].

Claims 3, 5-7, 43, and 44-48 depend directly or indirectly from claims 1 or 41 and are allowable for at least the same reasons as claims 1 and 41. Applicant submits the introduction of Weinmann fails to cure the deficiencies noted above with respect to Kinjo. Accordingly, a *prima facie* case of obviousness cannot be established using the combination of Kinjo and Weinmann. Reconsideration and allowance are respectfully requested for claims 3, 5-7, 43 and 44-48. The rejection with respect to claims 8 and 9 is moot in view of the cancellation of those claims.

4.   Claims 43 and 44-48 were rejected and claims 3 and 5-9 are further rejected under 35 U.S.C. § 103(a) as being obvious over Gorday (U.S. PgPub# 20040001220 A1, hereinafter Gorday) in view of PhotoShop 6 as evidenced by Weinmann et al. ("Weinmann") ["Photoshop 6 for Windows and Macintosh: Visual QuickStart Guide", 25-Jan-2001, Peachpit Press].

Claims 43 and 44-48 depend directly or indirectly from claim 41 and are allowable for at least the same reasons as claim 41. Applicant submits the introduction of Weinmann fails to cure the deficiencies noted above with respect to Gorday. Accordingly, a *prima facie* case of obviousness cannot be established using the combination of Gorday and Weinmann. Reconsideration and allowance are respectfully requested for claims 43 and 44-48.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6912 to facilitate prosecution of this application.
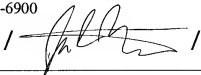
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(612) 373-6900

Date : February 24, 2012   By _____

Joseph R. Williams
Reg. No. 69,054